

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, November 5, 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan

Members absent: B. Gardner, G. Zimmer

Alternates present: M. Beal, L. Lombard, B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 8:00 p.m. He appointed Alternates Lombard and Beal to act in members' absence.

Minutes:

10/15/07- Hall MOVED, Lombard seconded, to approve the 10/15/07 minutes as written. MOTION PASSED with all in favor except Pociask who disqualified himself.

Scheduled Business:

Public Hearing Continuation:

Subdivision Application (Arthur's Pond) 7 Proposed lots off of N. Eagleville and Separatist Roads. File #1266

Chairman Favretti opened the continued Public Hearing at 8:02 p.m. and noted that the information presented during the Inland Wetlands Agency Public Hearing for Arthur's Pond will be entered into the record for this PZC Hearing. Members present were R. Favretti, J. Goodwin, K. Holt, P. Kochenburger, P. Plante, B. Ryan, and Alternates M. Beal, L. Lombard, B. Pociask. After Hall disqualified himself, Favretti appointed Pociask to act in Hall's place, and he appointed Beal and Lombard to act in the absence of Gardner and Zimmer. Padick listed the following communications received and distributed to all members of the Commission:

- Undated letter from Robert C. Cook, 210 Separatist Road
- 10/23/07 Memo from Michael Dilaj, Datum Engineering
- 11/1/07 letter from Helen Koehn, 83 Separatist Road
- 11/1/07 letter from Virginia Gorin, 222 Separatist Road
- 11/1/07 memo from Grant Meitzler, Assistant Town Engineer
- 11/1/07 memo from Gregory Padick, Director of Planning
- 11/5/07 letter from Dolores Hilding, 22 Southwood Road

Michael Dilaj of Datum Engineering, representing the applicant, requested that the information, comments and questions presented during the Inland Wetlands Agency Public Hearing be entered into the record for the Planning and Zoning Commission Public Hearing. He stated that the matter of underground utilities is still being studied.

Dilaj also stated that the applicant will relocate the abutters' drainage pipes. They will continue draining onto the subject property, but they will be moved to the property lines.

Richard Stag, 313 North Eagleville Road, expressed concern about a common driveway being installed instead of a road. He is concerned that the driveway may become congested and therefore not have room for emergency vehicles to pass. However, a town road would be of appropriate width for on-street parking and emergency vehicle access.

Attorney Schiller, representing Allison Hilding, referred to Donald Aubrey's 11-5-07 report and requested that it be entered into the record of the PZC's Public Hearing. Attorney Schiller explained the importance of the receipts that were submitted by Ms. Hilding at this evening's meeting (Padick noted that these will be copied and distributed in the next Commission packet) regarding work she has had done to her property due to the high water table in the area.

Donald Aubrey, of Town Engineering, pointed out that the issue of the wet soils is a documented historic problem. He believes that this situation will affect many aspects of the applicant's plan including driveways, drainage, etc. He also mentioned alternatives stated in his report that would provide better solutions for many aspects of the proposed site plan. Aubrey highlighted key points in his report.

Favretti noted that there were no further comments from the public or from the Commission. Kochenburger MOVED, Ryan seconded, to continue the Public Hearing until 11/19/07. MOTION PASSED with all in favor except Hall who had disqualified himself.

8:15 p.m. Public Hearing Continuation

Special Permit Application, Efficiency Unit, 300 Woodland Rd., F & S Sandberg, o/a File #1267

Chairman Favretti opened the continued Public Hearing at 8:53 p.m. Members present were R. Favretti,

J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, and Alternates M. Beal, L. Lombard, B. Pociask. Favretti appointed Lombard and Pociask to act. Padick listed the following communications received and distributed to all members of the Commission: an undated set of floor plans and exterior egress drawing, a 10/18/07 Windham Water Works memo, and an 11/1/07 memo from G. Padick, Director of Planning.

Holt reviewed efficiency regulations with the applicant, including interior and exterior access to the efficiency unit and that the efficiency unit's architecture would conform to the main house.

Chairman Favretti noted that there were no questions or comments from the public or the Commission. Kochenburger MOVED, Holt seconded, to close the Public Hearing at 8:56 p.m. MOTION PASSED UNANIMOUSLY.

8:30 p.m. Public Hearing

Special Permit Application, Natchaug Hospital Office Use, 165 Storrs Road, Natchaug Hospital, applicant M. Howard owner, File #1032-2

Chairman Favretti opened the Public Hearing at 8:58 p.m. Members present were R. Favretti,

J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, and Alternates M. Beal, L. Lombard,

B. Pociask. Favretti appointed Lombard and Pociask to act. Padick read the Legal Notice as it appeared in the Chronicle on 10/24/07 and 11/1/07. Padick listed the following communications received and distributed to all members of the Commission: an 11/2/07 Report from the Director of Planning, an 11/1/07 memo from the Assistant Town Engineer, an 11/1/07 memo from the EHHD and an 11/5/07 email from the M. Howard, owner of the property.

Steve Larcen, CEO of Natchaug Hospital, was present this evening representing the applicant.

Favretti asked if the existing foundation planting across the front of the building will be retained and enhanced. Larcen indicated that the landscaping would be enhanced, and he also indicated that the owner will repave the disturbed portion of the parking lot south of the building.

Ryan questioned if the façade of the building will be improved. The applicant indicated that they will paint this building to match the existing façade at the Natchaug Main Building, and noted that some windows, doors, and a new front entrance will be installed. Holt wondered if parking would be an issue. Dr. Larcen responded that this is for office use only, with not many cars, but re-striping of the pavement will be done.

Chairman Favretti noted that there were no comments from the public and no further comments or questions from the Commission. Plante MOVED, Holt seconded, to close the Public Hearing at 9:05 p.m. MOTION PASSED UNANIMOUSLY. Kochenburger volunteered to work with staff to draft a motion for the 11/19/07 meeting.

8:45 p.m. Public Hearing

Special Permit Application, Efficiency Unit, 141 Gurleyville Rd., J. Catalano, o/a File #1268

Chairman Favretti opened the Public Hearing at 9:06 p.m. Members present were R. Favretti,

J. Goodwin, R. Hall, K. Holt, P. Plante, B. Ryan, and Alternates M. Beal, L. Lombard, B. Pociask. Favretti appointed Lombard and Pociask to act in members' absence, and Beal to act because Kochenburger disqualified himself. Padick read the Legal Notice as it appeared in the Chronicle on 10/24/07 and 11/1/07. Padick listed the following communications received and distributed to all members of the Commission: an 11/1/07 report from the Director of Planning, a B100A approval from EHHD, a 10/25/07 letter from K. and P. Beckert, an 11/3/07 letter from S. and V. Ferriss, and an 11/5/07 report from C. Hirsch, Zoning Agent.

Jeff Catalano, applicant and owner of the subject property, submitted 13 out of 14 return receipts to the Commission, as well as a more detailed floor plan of the house and efficiency unit.

Favretti opened the floor for public comment.

Peter Millman, 122 Dog Lane, felt the plan of the house and efficiency is inaccurate according to his memory of being in the house numerous times prior to Catalano's ownership. He is concerned about the potential of up to six unrelated people living there and that the efficiency is larger percentage-wise than the zoning regulations allow.

Jeanne Ahern-Mogayzel, 15 Bundy Lane, was not in favor of this proposal and outlined a timeline of un-favorable events that have occurred at the property. She is concerned for litter on the street, parking and traffic congestion.

Dr. Ronald Kelly, 29 Bundy Lane, felt there were issues of traffic safety, caused by overflow parking along Gurleyville Road when parties have occurred at the site. The overflow parking created hazardous impediments to vehicular traffic passing through. Also, he questioned when and how much parking supervision the applicant would provide, and noted that thus far there seems to have been none.

Steven Koehn, 95 Bundy Lane, was concerned for the traffic safety on the road and the on-street parking that occurs with the parties as well as the nuisance caused by these large parties.

Hisham Elshakus, 23 Bundy Lane, felt that there is not adequate parking and noted that adding an efficiency will only deteriorate what was once a one-family home.

Joseph Briody, 19 Little Lane, believed that this would be a nuisance to the community due to the noise, traffic, trash and blight. He is concerned that when the applicant sells the property or leaves the house these nuisances will worsen.

Suzanne Davis, 97 Gurleyville Road, expressed concern for the noise, traffic, parking and the overall well-being of the community.

Andy Gardner, 115 Gurleyville Road, asked the commission to take into consideration the number of neighbors and local residents who are opposed to this application.

Mark Mirko, 122 Gurleyville Road: Veronica Helgans, 123 Dog Lane: Lindsay Hart, 118 Gurleyville Road:

Joanne Robinson, 126 Bundy Lane: Peter Saliesses, 20 Hillyndale, all stated that they are not in favor of this application.

Dolores Hilding, 22 Southwood Road, noted that more single family homes are turning into student rentals, probably due to the lack of housing at the University, and that these student rentals have been the cause of blighted neighborhoods throughout town.

Curt Hirsch, Zoning Agent, summarized his memo. It was passed out to all members this evening.

Hall wondered why there is an issue for the neighbors now, if the efficiency seems to have been there for a while.

As the neighborhood notifications were not sent 10 days prior to this Hearing, the Public Hearing legally must be kept open to allow for those neighbors who may not have received the notice in time to attend.

Favretti noted no further questions from the public or Commission; Holt MOVED, Plante seconded, to continue the Public Hearing until the 11/19/07 PZC Meeting. MOTION PASSED with all in favor except Kochenburger who was disqualified.

Old Business:

1. Zoning Agent's Report

Items were noted. Hirsch noted that he and Chairman Favretti signed off on a modification request for solar panels at the Community Center. He also added that progress at the Hall site was slow.

New Business:

2. Request for Site/Use Modifications, 1029 Storrs Rd. (Stix 'n' Stones LLC, applicant/P. Hammer, owner) File #727

Mike McDonald, renter and applicant for the modification request, explained his plan for the space next to the newly opened consignment shop. Favretti emphasized that McDonald needs to present a set of plans drawn to scale with all details clearly indicated, such as parking, mulch bin locations and size, locations of storage areas, etc.

Commission members questioned the applicant on whether he intends to improve the building. He indicated that he will be making building and site improvements. Paul Hammer, owner, questioned the Commission if he can continue to make minor improvements to the building such as new energy efficient doors and windows. Hirsch noted that the Zoning permit can be separated from the Building permit, but that this does not guarantee approval for the Use Modification by the PZC.

The applicant agreed to work with staff to create a site plan. The Commission added this site to the Field Trip Agenda.

Old Business:

2. Statutory Revisions to Aquifer Protection Program / Level A Aquifer Designation for Willimantic River Well Field

Padick summarized his memo. Holt MOVED, Plante seconded, that the Planning and Zoning Commission, acting as Mansfield's Aquifer Protection Agency, schedule a Public Hearing for Monday, December 17, 2007 at 7:00 p.m. to receive comments on an 11/5/07 draft of the Aquifer Protection Area Regulation revisions. Furthermore, that staff refer the proposed regulation revisions to the State Department of Environmental Protection, the University of Connecticut, the WINCOG Regional Planning Commission, the Windham Water Works, the Mansfield Conservation Commission and the Town Attorney for review and comment. MOTION PASSED UNANIMOUSLY.

3. Design Review Panel Vacancy

Chairman Favretti asked if members had any thoughts on which candidate would be the best qualified to fill the DRP vacancy. Pociask noted that all applicants were qualified, but he felt that John Lenard was the best because of his background as a civil engineer. Pociask MOVED, Lombard seconded, to appoint John Lenard as the newest member of the Design Review Panel. MOTION PASSED UNANIMOUSLY.

4. Request for release of common driveway bond, Mulwood East Subdivision, File #1225

Item tabled.

5. Subdivision Completion/Bonding update

Item tabled.

6. Special Permit Application, Efficiency Unit, 300 Woodland Rd., F & S Sandberg, o/a File #1267

Goodwin MOVED, Holt seconded, to approve with conditions the special permit application (file #1267), of F. and S. Sandberg, for an efficiency apartment on property owned by the applicant located at 300 Woodland Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 7/2/07 and in other applicant submissions, and as presented at Public Hearings held on October 15 and November 5, 2007.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;

This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;

This special permit shall not become valid until filed upon the Land Records by the applicant. MOTION PASSED UNANIMOUSLY.

New Business:

1. Modification Request to revise B.A.E., Lot #3, Dunham Farm Estates, MEM Properties LLC., owner, R. Bogner, applicant. File #

Padick summarized his memo, and Hall MOVED, Holt seconded, that the Planning and Zoning Commission approve a Building Area Envelope revision for Lot 3 in the Dunham Farm Estates subdivision as proposed in a 10/22/07 modification request from Robin Bogner and as depicted on a map entitled "Sub Surface Sewage Disposal Design" as prepared by Datum Engineering and Surveying and dated 9/25/07. MOTION PASSED UNANIMOUSLY.

3. Request for Tree Removal, in Conservation Easement areas 19 and 31 Adeline Place

Padick summarized his memo, and Holt MOVED, Ryan seconded, that the Planning and Zoning Commission authorize the removal of an existing tree within a conservation easement on property of Guarnaccia adjacent to lot 8 (31 Adeline Place), and assorted tree pruning and mechanical support of weak branch unions within a conservation easement on property of Christianson (lot 2, 19 Adeline Place), as described by the affected property owners and their agents. The subject tree work is considered appropriate and not in conflict with conservation easement objectives. MOTION PASSED UNANIMOUSLY.

4. 2008 Draft PZC/IWA Meeting Schedule

Holt MOVED, Plante seconded, that the Planning & Zoning Commission approve the 2008 meeting schedules for the Planning and Zoning Commission and Inland Wetlands

Agency as agreed upon at the November 5, 2007 meeting. MOTION PASSED UNANIMOUSLY.

5. Betty Gardner's request to a waiver of PZC by-laws

Holt MOVED, Hall seconded, that the PZC grant a waiver to the PZC by-laws and that Betty Gardner remain a member of the PZC/IWA while she misses meetings while recovering from her injury. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

There were no items to report on. Favretti noted a Regulatory Review Committee Meeting, November 14, 2007 at 2:00 in Council Chambers.

Communications and Bills:

Items were noted.

Adjournment:

Favretti declared the meeting adjourned at 10:43 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary